

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE.

MICHAEL LEAGER
Plaintiff

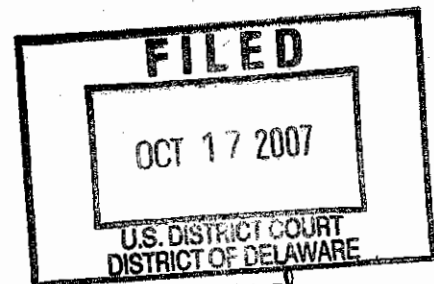
Civ Action NO.
07-429-GMS

IV.
WARDEN RAPHAEL WILLIAMS
DR. KENDALL
JIM WELCH
Defendants.

MOTION FOR APPOINTMENT OF COUNSEL

Plaintiff Michael Leager, Pursuant to,
§ 1915, Requests this court to appoint counsel
to represent him in this case for the following
reasons:

- 1) The plaintiff is unable to afford counsel
Due to incarceration and, lack of help, support
outside of the Correctional Institution
- 2) The issues involved in this case are very
complex.



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3.) The plaintiff, is an inmate participating in a program which is considered a therapeutic - Community and free time for access to the law library is limited.

4.) The plaintiff has a limited knowledge of the law.

Date: 10/15/07

Name: Michael Lager

Address: SBI# 515275

H.R.Y.C.I Po Box 9561

Wilmington DE 19809

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MICHAEL LEAGER,
Plaintiff,

Civ. Action No.
07-429-GMS

V.

WARDEN RAPHAEL WILLIAMS,
DR. KENDALL
JIM WELCH

Defendants.

AFFIDAVIT IN SUPPORT OF THE
PLAINTIFFS MOTION FOR THE APPOINTMENT
OF COUNSEL

Michael Leager, being Sworn deposes,
and Says:

1) I am the plaintiff in the above entitled case.
I Make this affidavit in Support of My
Motion For The appointment of counsel

2) The Plaintiffs complaint Alleges
The following:

2.)

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The onset of Feb, 2006 I Found My self housed on 2-Q pade when I was playing hand ball and, I hyper extended My arm and, felt a very sharp pain in my left upper arm and elbow. I thought I just might have sprained it but as the week went by the pain never sub-sided so I put in a sick-call Slip to see a doctor. During this course of time I was never called down to sick call so I kept putting them in until finally in July of 2006 I call a Nurse who had told me she would put me in to see the doctor which in tern never happened. Finally in Nov, 2006 I did see a Mr. Michael Senisch who had put Me on an anti - Inflammatory Medicine to help the pain and, straiten my arm out, amonth later Dec 2006. I went back to Mr. Michael Senisch and, he put me on a higher dose of the Anti inflammatory Medicine and set Me up for an X-Ray. It wasint until Feb of 2007, that I got my X-Ray by DR. Kendall and, he explained that I had an old Injury and, that I Fractured My upper arm and, that he would put me in to see a speacialist of orthopedic. I Never call anyone so I put a medical aqerence in on 3/20/07 on The Issue about my arm and, an Issue that had to do with Dental. During this time an Investigator Allen carolyn came to Interview me and, told Me that its a good Possability that my request to see a speacialist by -

Page

(2)

Doctor kendell was probably Denied and that
 he would put me in to see the doctor again to
 take a look at my arm. So on 3-27-07 I
 call Doctor kendell and he said he didnt have
 my chart and that he would see me the next
 day. On 3/28/07 I never call Doctor kendell so
 I put another grievance in. During this time I
 wrote the warden Raphael Williams and the head
 of Medical here Jim Welch and filed a law suit.
 for this Matter. I feel that in this case I have
 been neglected in my proper Medical Services and
 Due to thier neglect I no longer have full use
 of my arm. It does not extend all the way out
 and, I have pain in my elbow. Im still appealing
 my second grievance but my first one I signed off
 on DUK to Dental finally addressing that
 problem. Ive gotten more X-Ray and was told
 by a Dr Smith that they will probably give me
 physical therapy but I probably not see an
 orthopedic specialist. This was on 9/25/07 on
 9/20/07 I call DR. Smith and he said that
 this was suppose to be addressed long ago and
 that I must have slipped through the cracks and
 they forgot about me. All I really want is to have
 my arm addressed and possably fixed so I can have
 full use of my arm again. I think that this
 was unprofessional on thier part and Unexceptable.

- 3.) This is a complex case because it contains three different defendants in which they all play a different part of the plaintiffs legal claims.
- 4.) The case Requires medical issues that may require expert testimony on behalf of plaintiffs DR. Ralph Smith MD (C.M.S)
- 5.) The plaintiff has demanded a Jury trial
- 6.) This case will most likely require disposition of a witness on plaintiffs behalf
- 7.) Plaintiff did complete high school but did not take any courses on law therefore has limited knowledge on law.
- 8.) The plaintiff was classified by (Doc) to participate in the key program which is an intense therapeutic community which is isolated from the rest of the prison population which free time for access to the law library is very limited.
- 9.) In deciding whether to appoint counsel for an indigent litigant, the court should consider the factual complexity of the case, the ability for the indigent to investigate the facts, the ability for the indigent to present his claim and the complexity of the

10) As set Fourth in the Memorandum of law submitted with this Motion, these facts along with the legal Merit of the plaintiff's claims, support the appointment of ~~council~~ to represent the plaintiff.

WHEREFORE, the plaintiff's Motion for the appointment of council should be granted

Michael Leager
Plaintiff

10/15/07
Date

Sworn to before Me this

15th day of Oct 2007

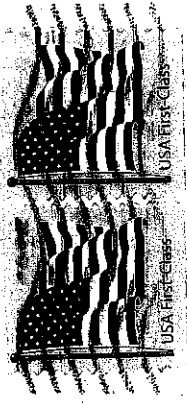
Roddenet M. [Signature]
Notary Public

Michael Leager

SBI # 515275

HRICI P.O. Box 9561

Wilmington DE 19809



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Office of the Clerk

United States District Court

844 N. King Street Lockbox 18

Wilmington Delaware 19801-3570

19801-3570

